

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ARRIVALSTAR S.A. and MELVINO
TECHNOLOGIES LIMITED,

Plaintiff,

v.

KING COUNTY,

Defendants.

Civil Action No. 11-461

COMPLAINT FOR PATENT
INFRINGEMENT

JURY DEMAND

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited (collectively, “ArrivalStar” or “Plaintiffs”), by and through their undersigned attorneys, for their complaint against Defendant King County (herein “King County” or “Defendant”) hereby allege as follows:

NATURE OF LAWSUIT

1. This action involves claims for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

THE PARTIES

2. ArrivalStar S.A. is a corporation organized under the laws of Luxembourg and having offices at 67 Rue Michel, Welter L-2730, Luxembourg.

3. Melvino Technologies Limited is a corporation organized under the laws of the British Virgin Island of Tortola, having offices at P.O. Box 3152, RG Hodge Building, Road

Town, Tortola, British Virgin Islands. Melvino is the owner of all right, title and interest in, and has standing to sue for infringement, of the following patents:

- United States Patent No. 6,714,859 (“the ‘859 patent”), entitled “System and method for an advance notification system for monitoring and reporting proximity of a vehicle,” issued March 30, 2004. A copy of the ‘859 patent is annexed hereto as Exhibit A.
- United States Patent No. 6,804,606 (“the ‘606 patent”), entitled “Notification systems and methods with user-definable notifications based upon vehicle proximities,” issued October 12, 2004. A copy of the ‘606 patent is annexed hereto as Exhibit B.
- United States Patent No. 6,904,359 (“the ‘359 patent”), entitled “Notification systems and methods with user-definable notifications based upon occurrence of events,” issued June 7, 2005. A copy of the ‘359 patent is annexed hereto as Exhibit C. The ‘359 patent was the subject of an *Inter Partes* reexamination at the United States Patent and Trademark Office. A Reexamination Certificate was issued on May 25, 2010 and is annexed hereto as Exhibit D.
- United States Patent No. 7,030,781 (“the ‘781 patent”), entitled “Notification system and method that informs a party of vehicle delay,” issued April 18, 2006. A copy of the ‘781 patent is annexed hereto as Exhibit E.

4. ArrivalStar S.A. is exclusive licensee of the ‘859, ‘606, ‘359, and ‘781 patents.

5. Defendant is a Municipal Corporation that operates the King Department of Transportation—Metro Transit Division with a place of business at 201 S. Jackson St., Seattle, Washington 98104. Defendant transacts business and has, at a minimum, offered to provide and/or provided in this judicial district and throughout the State of Washington services that infringe claims of the ‘859, ‘606, ‘359 and ‘781 patents.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

DEFENDANT'S ACTS OF PATENT INFRINGEMENT

7. As part of its Tracker Metro bus tracking and Alert systems, among other activities, Defendant has infringed claims of the '859, '606, '359 and '781 patents. More specifically:

- Defendant provides a system for monitoring and reporting vehicle status information, receiving and storing location travel data transmitted from vehicles being monitored by the system, receiving requests from users that are sufficient to identify a monitored vehicle, receiving travel data associated with the vehicle, and transmitting messages to a user's communication devices remote from the system that are indicative of the proximity of the monitored vehicle to a location, which system infringes at least claim 1 of the '859 patent.
- Defendant provides a method permitting a user to define a plurality of different predetermined proximities corresponding to mobile vehicles in relation to a location, monitoring travel data associated with the vehicles, and communicating with the user based on the predetermined proximity information, which method infringes at least claim 1 of the '606 patent.
- Defendant provides a method for a notification system allowing a user to define when the user receives a vehicle status report relating to the status of a mobile vehicle in relation to a location by permitting the user to predefine events that generate communication of the vehicle status by establishing communication with the system using the system's website interface remote from the vehicle, allowing a user to identify events that will cause a notification to be transmitted to the user such as distance between the vehicle and a location indicative of a location or region that the vehicle achieves during travel, storing the predefined events, analyzing travel data transmitted from the vehicle, notifying the user upon the

occurrence of a user defined event, and delivering the vehicle status report via alert notification, which method infringes at least claim 1 of the '359 patent.

- Defendant provides a method for monitoring travel data associated with the vehicle, comparing the planned schedule of a vehicle to the actual travel time to update vehicle status information, contacting a user's communication device in advance of the vehicle's arrival, and notifying the user of a delayed vehicle and updated arrival time based on vehicle status information, which method infringes at least claim 1 of the '781 patent.

8. Defendant's infringement has injured and will continue to injure ArrivalStar unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further use of methods and systems that come within the scope of the '859, '606, '359, and '781 patents.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask this Court to enter judgment against the Defendant, and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate ArrivalStar for the infringement that has occurred, but in no event less than a reasonable royalty for use of the invention, together with prejudgment interest from the date that Defendant's infringement of the ArrivalStar patents began;

B. Increased damages as permitted under 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to ArrivalStar of its attorneys' fees, costs and post judgment interest as provided by 35 U.S.C. § 285;

D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the ArrivalStar patents; and

E. Such other and further relief as this Court or a jury may deem proper and just.

1 DATED this 17th day of March, 2011.

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